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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,025	04/30/2001	Philip M. Ginsberg	00-1020	4295
63710 7590 07/09/2008 DEAN P. ALDERUCCI CANTOR FITZGERALD, L.P. 110 EAST 59TH STREET (6TH FLOOR) NEW YORK, NY 10022				
EXAMINER COBURN, CORBETT B				
ART UNIT		PAPER NUMBER		
3714				
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07/09/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/846,025

Applicant(s)

GINSBERG ET AL.

Examiner

Corbett B. Coburn

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11, 13, 15 and 56-65 is/are pending in the application.
4a) Of the above claim(s) 56-61 and 63-65 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 11, 13, 15, 61 and 62 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 06 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/3508)
4) ☐ Interview Summary (PTO-413)
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____
Paper No(s)/Mail Date _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Claims 11, 13, etc. in the reply filed on 12 June 2007 is acknowledged.
2. Applicant's argument that there is not burden for searching the different species is not persuasive. In general, the Examiner determines when a burden exists. Applicant should note that the filing fee does not pay for a certain number of claims to be examined. It pays for the examination of a single invention. Applicant's argument that he has cancelled 13 out of 55 claims is moot.
3. The requirement is still deemed proper and is therefore made FINAL.

Specification

4. The abstract of the disclosure is objected to because it does not describe the elected invention. Correction is required. See MPEP § 608.01(b).
5. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
6. The disclosure is objected to because of the following informalities: the filing date for the parent application is incomplete. (See paragraph 0001).

Appropriate correction is required.

Drawings

7. The drawings are objected to because the drawings contain a number of screen prints that appear black when printed. Applicant must submit line drawings. In the line drawings that are in the file, the text is inconsistent and, in places, illegible. Corrected drawing sheets in

compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

8. Claim 61 is objected to because of the following informalities: "said chance in price" in lines 5 & 6 should read "said change in price". Appropriate correction is required.
9. Claim 62 is objected to because of the following informalities: "real time changes in price" in lines 5 & 6 should read "real time changes in price". Appropriate correction is required.

Claim Rejections - 35 USC § 112

10. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

11. Claims 11, 13, 15, 61-62 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.
12. Claim 11 contains the limitation, "displaying to said client a list comprising only said selection of wagerable outcomes" – i.e., only those that have a minimum required wager less than the player's wagering limit. Claim 63 contains the limitation, "displaying at least one outcome regardless of said wagering limit". As pointed out in the previous office action, claim 11's limitation is a negative limitation and must be specifically supported in the specification – i.e., the specification must specifically state that **ONLY** the outcomes that have a minimum required wager less than the player's wagering limit may be displayed. The fact that claim 63 clearly contradicts this means that claim 11 **cannot** be enabled.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 11, 13, 15 & 61-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilms (US Patent Number 5,277,424).

Claims 11, 13: Wilms teaches a method of real-time interactive wagering on event outcomes – the player may wager in real time on the outcome of a slot machine game. Wilms teaches determining a wagering limit for the client – the number of credits

available (16). Wilms teaches selecting wagerable event outcomes on which said client is authorized to wager – each game is a wagerable event outcome and each denomination is a different game. Each event outcome has a minimum required wager associated therewith – the \$1 game has a minimum required wager of \$1. The 25¢ game has a minimum required wager of 25¢. The client is only allowed to select event outcomes that do not exceed the wagering limit. Players may not bet more money than they have in credits. Fig 1 shows displaying the selection of wagerable event outcomes and when the player makes a selection (with button 24), this is receiving a request from the client to wager on one of said selection of wagerable event outcomes. As a player places a wager, it is subtracted from the available credits (i.e., the wagering limit) and placed in the Bet register. This is adjusting substantially immediately said wagering limit of said client.

Wilms does not teach only showing those wagers that cost less than or equal to the wagering limit. Displaying wagers a player cannot make might cause confusion. A player might, for instance, attempt to wager \$1 when he only had 95¢. Removing the \$1 wager from the screen is well within the level of ordinary skill & would yield predictable results. Furthermore, it would reduce the risk of confusion. It would have been obvious to one of ordinary skill at the time of the invention to have modified Wilms to only display those wagers that cost less than or equal to the wagering limit in order to reduce the risk of player confusion.

With respect to claim 13, each time the player plays the game, the credit limit reflects the results of the previous game.

Claim 15: Wilms teaches paying said client in a currency chosen by said client in response to the maturity of successful wager. By placing money into the slot machine, the player is choosing the currency. If the player wins, the machine pays the winnings.

Claim 61: The price of the wager varies – there are five prices to choose from. As noted above, it is obvious to display the list of available wagers based on which the player can actually afford to play.

Claim 62: It is obvious to adjust the list of available wagers whenever any wager is to be made (i.e., in real time).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (571) 272-4447. The examiner can normally be reached on 8-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Corbett B. Coburn/
Primary Examiner
Art Unit 3714